



Integrated Environments:

Q: Can a business be owned or leased by the CSP but on different property? What if it's owned by CSP but not on CSP owned ground?

A: A business could be owned by the CSP but must meet the requirement of promoting integration. The owner of the property is less important than the manner in which integration is facilitated. In addition, CSP support staff may NOT be considered "People without disabilities" to meet the criteria of integration.

Q: Does reverse integration, or a model of intentionally inviting individuals not receiving HCBS into a facility-based setting to participate in activities with participants, comply with the community integration requirements outlined in the HCBS settings rule?

A: If the workplace is currently segregated but the CSP is planning to promote integration by hiring non-disabled employees to work alongside participants, CSPs should ensure that any plan to implement reverse integration is complemented by regular opportunities for participants to access the broader community. In addition, the non-disabled employees are not being hired to provide supports to participants but to be completing similar work within the setting.

Q: When a provider is looking to provide employment services in an integrated setting doing contract work does it matter what type of setting they find?

A: Any setting being used as an integrated employment setting for participants to complete contract work must be related to the work being done.

- Example would be if the participants are sorting seed packets, they could possibly do this in an area of a greenhouse, they would not want to do this work in an office building that is primarily made up of financial institutions.

Wages and Employer of Record:

Q: Can CSPs be the wage-payer?

A: Yes, however, if the participant is employed by a local business but paid by the CSP, the ISP must outline the reason the employer is not paying the participant directly.

Q: Where do federal contracts fit into the service array, particularly if all members are paid at least minimum wage but paid by the CSP?

A: Depending on group size, Individual or Group Supported Employment may be utilized. See question above regarding ISP documentation requirements when local businesses arrange for the CSP to pay wages.

Q: Some employers want to pay people through the CSP. Negotiations with these employers resulted in a loaded wage rate due to the transportation (for jobs far outside city limits). How will transportation costs be addressed for other jobs?



A: At this time, DDD reimburses transportation only as outlined within the Daily Life and Employment Toolkit; however, requests for transportation assistance to support individuals to gain or retain employment may be submitted to DDD on an individual basis using the Enhanced Rate Request process.

Q: Is the expectation/requirement that an SCR be submitted any time the persons wage changes? When minimum wage goes up or a time study for productivity is completed, etc., do we need an SCR for each one?

A: An SCR is NOT required for every single change in the participant's wage. However, DDD is working with a stakeholder workgroup to provide guidance on the use of the Employment History module in Therap to document current job, hours of employment, and wage for all employed individuals. Once the module is established, the expectation will be to ensure a person's wage(s) is accurately documented within the Therap system.

Individual Supported Employment Questions:

Q: Does the term "integrated, competitive employment" imply that the participant must be fully self-sufficient in their job, with no paid supports in place?

A: No. Individual Supported Employment is offered as a service to provide access to long-term supports to ensure success in the workplace. While the term "integrated, competitive employment" is also used as a benchmark for success in the workplace without long term supports by Vocational Rehabilitation, DDD's interpretation of this term is that the participant is employed in an integrated setting, receiving at least minimum wage, with or without paid supports.

Q: If a person is working limited hours per week (5-10 hours), can Individual Supported Employment be open beyond the hours of on-the-job support with the intent to continue developing skills for workplace success?

A: Yes. Refinement of job specific skills could be provided under the Discovery Phase of Individual Supported Employment, with consideration of the setting in which the supports will be provided. Career Exploration may also be used to provide additional skill development opportunities for the participant. For example, repetition of tasks or more frequent task completion to assist with skill acquisition and skill maintenance may be beneficial to participants as a supplement to the time spent in an integrated, competitive environment.

Q: Should Vocational Rehabilitation reviews be taken into consideration when identifying if Career Exploration is the best option for the participant?

A: No. The criteria for approval of Career Exploration services are as follows:

- Existing work readiness skills have been identified and documented;
- ISP team has identified participant goals and support needs, including the services and supports which will best assist the participant to reach his/her goals
- The participant has identified competitive, integrated employment– either short-term or long-term - as a desired outcome, which is documented in the ISP;
- Activities which support the desired outcome for employment are documented in the ISP;



- The time anticipated by ISP team for the participant to transition to integrated competitive employment and/or integrated community activities and end Career Exploration services.

Q: If a person must have surgery and can't participate in Career Exploration for 3 months, does the "clock" continue on the time limit?

A: Typically, leave of absences due to a medical need will result in a pause of the time limit. However, many variables may impact direction in situations such as these. You should contact DDD to discuss specific situations and determine the best course of action.

Q: The long-term job coaching funded through waiver may result in 1:1 supports for many people. How is this going to be funded. Are the rates going to be sufficient to recruit people?

A: The Rate Setting Workgroup is working with a consultant to develop a reimbursement methodology that will support the achievement of a wide variety of employment goals for people with intellectual/developmental disabilities. If necessary, the process to request an enhanced rate for 1:1 funding may be utilized.

Q: What about overlap of services between CSP and VR?

A: All participants interested in employment are encouraged to seek assistance from VR. A participant may receive services funded by VR as well as CHOICES waiver; however, the services must not be duplicative. Ex. If the participant is working with VR to seek and obtain a job, Individual Supported Employment services for Discovery or Job Placement should not be open for waiver funding.

Q: If a person has a DRS case open and they are now employed, DRS services close. Does the team need to meet and discuss employment and continued support?

A: Yes, this situation warrants an ISP Team meeting to discuss long-term supports in the workplace. In addition to the ISP Team, the Vocational Rehabilitation Counselor and any private employment provider will also have valuable input to develop a plan to ensure the participant's success. If the team determines that the CSP will provide Individual Supported Employment services, an update to the ISP is made, and an SCR is submitted outlining the updated supports. Likewise, when a VR case is opened, submission of an SCR noting any changes to waiver services and noting a change in funding source is necessary.

Q: When participant helps with trainings or sits on a committee, and are paid, how does a CSP handle that? Allow the CSP to be an employer?

A: CSPs may consider paying the participant a stipend or wage for these activities under Individual Supported Employment. These may also occur within Career Exploration as these activities expand knowledge of opportunities and ways that money may be earned.



Q: Does the minimum wage for individual employment count if it is self-employment?

A: It is expected that the outcome of self-employment is that the participant earns a prevailing wage for the chosen business within a reasonable period of time. IRS standard for self-employment is \$600 per year, which does not meet the minimum wage requirement but is allowed.

Q: In Individual Supported Employment, the Discovery and Job Development phases don't meet the definition criteria of the person earning at least minimum wage. Those are the activities that lead to supported employment. They can be actively seeking assistance to get a job. They do not have to already have a job obtained to be in these phases. Only one criterion needs to be met?

A: During the Discovery and Job Development phases, a participant would not be earning a wage. Participants are not required to be employed in the first two stages of this service. The outcome of Individual Supported Employment services-as a whole-is for the person to earn at least minimum wage. The service definition allows compensation to providers for the time-intensive nature of learning about a person and conducting quality job development supports prior to the participant's date of hire.

Q: Could someone receive Individual Supported Employment with a specific work goal, but make no wage or sub minimum wage?

A: In the event the participant is receiving Individual Supported Employment, and the non-paid activities are primarily related to obtaining a job, this is allowable. In the event the participant is engaging in sub-minimum wage activities as the sole support and spending minimal time in specific job-seeking activities, Career Exploration would likely be more appropriate.

Q: Which criteria should be met if the participant is employed by the Community Support Provider?

A: All the following criteria must be met for the team to determine the participant qualifies for Individual Supported Employment:

- the person is working in an integrated environment;
- the person is earning at least minimum wage;
- the person is supervised as others in the same area
 - person's supervisor cannot deliver a waiver service – can't be paid to be a supervisor AND a job coach; and
- if the person requires supports on the job, a designated job coach or employment staff is available.

Q: For participants creating art, jewelry, or other goods and the proceeds are sold by the Community Support Provider and proceeds commissioned to the participant, would this be considered Self-Employment under Individual Supported Employment?

A: Many variables may impact direction in situations such as these. If a participant is paid an hourly or subminimum wage while creating the art, jewelry, or other goods, this would not be considered Self-Employment. Factors considered by DDD when determining self-employment under Individual Supported Employment include but are not limited to: the participant's active involvement throughout



the process including ordering supplies, creating the goods, and selling the finished product or participation in a skill development phase with staff support to learn the entire process. Recommend contacting DDD to discuss specific situations to assist in determining if Self-Employment.

Group Supported Employment:

Q: Is Group Supported Employment required to be paid at minimum wage?

A: No. Participants receiving Group Supported Employment services may be paid sub-minimum wage in compliance with subminimum wage certificates issued by the Department of Labor and with ARSD 46:11:04:08.

Q: What is the ratio for Group Supported Employment if persons without disabilities are integrated into the environment?

A. At least one person without a disability must work alongside a group of 2 to 8 participants to comply with Group Supported Employment community integration requirements. This is an initial step as providers move toward a more integrated community work environment. The DDD will issue additional policies relating to community integrated environments at a later time.

Q: Do those workers, mentioned in the previous question, count towards the 8?

A: Group Supported Employment is limited to eight HCBS or CTS participants. People without disabilities working in the same environment are not included in the total number of employees.

Q: What if the person works in various parts of the building throughout the day – in the same building but they are on different work crews?

A: If the participant is working in an environment that is integrated (to the level typical for that job or schedule) it is acceptable for the person to be part of multiple groups throughout the day/week.

Q: Is there a timeframe in which participants must move from Group Supported Employment to Individual Supported Employment?

A: No. The ISP should document participant involvement and team discussion regarding information provided about employment options and opportunities to try other kinds of work.

Career Exploration:

Q: Are Significant Change Requests and DHS-DD-840 forms required for participants funded by Community Training Services?

A: Yes, requirements of Career Exploration apply to participants whose supports are funded by Community Training Services as well as the CHOICES waiver.

Q: Is a DHS-DD-840 form required to be submitted only when a participant first begins Career Exploration?

A: A DHS-DD-840 "Request for the Provision of Career Exploration Services" must be submitted:



- To request entry to Career Exploration
- To request a three-month extension prior to the end of the participant's approved timeframe for Career Exploration

Q: What criteria must be met to receive approval to provide Career Exploration as a service?

A: Criteria for approval of Career Exploration services are as follows:

- Existing work readiness skills have been identified and documented;
- ISP team has identified participant goals and support needs, including the services and supports which will best assist the participant to reach his/her goals
- The participant has identified competitive, integrated employment– either short-term or long-term - as a desired outcome, which is documented in the ISP;
- Activities which support the desired outcome for employment are documented in the ISP;
- The time anticipated by ISP team for the participant to transition to integrated competitive employment and/or integrated community activities and end Career Exploration services.

Q: Is it allowable to request Career Exploration after the participant has completed 18 months and two three-month extensions (24 months total)?

A: DDD will review requests for extensions and re-entry to Career Exploration based on individual circumstances and the criteria listed above.

Q: What is the expectation for documentation? What are job coaches expected to document now?

A: Job coaches providing day to day supports should document activities and supports provided to the participant pertaining to employment as outlined in the ISP. The ISP team determines how progress will be documented and measured; however, documentation should include enough detail for periodic review and assessment of what is working well with supports, what is not working well and determine whether revisions to supports are necessary.

Q: What if the participant and/or guardian appeals the reduction of services when Career Exploration ends?

A: Per ARSD 46:11:08:04, the reduction of services may be appealed, in which case the provider is required to continue service provision throughout the appeal process.

Q: What if a participant obtains a Seasonal Job but they are in career exploration will their 18 months be restarted when the job ends?

A: No. If a participant and his/her team determine that career exploration is still the best option based on the need to continue to develop work readiness skills, the time limit would continue from whatever month they were on when the seasonal job started.

- Example: A participant has been receiving career exploration for 10 months but obtains a seasonal job. At the end of the seasonal job, the team determines that the participant would benefit from an additional 8 months of career exploration. They would then reenter the service with 10 months used and 8 months remaining.



Q: How will the amount of time that is spent integrated into the community be documented?

A: All documentation regarding the amount of time spent integrated into the community will be documented in their ISP and quarterly monitoring documents.

Day Service Questions:

Q: What is the required documentation for an 18-64 years old person being in day services?

A: For people between the ages of 18-64 years old and for whom Day Services is the only non-residential service in which the person participates, the following documentation must be provided that the person is making an informed choice (as outlined in Charting a Person-Centered Path to Employment workbook):

- Has the person had opportunities to develop personal preferences?
- Information has been provided in an impartial manner that the person can understand?
- Has the person been informed of both positive and negative consequences of the decision not to work?

Day Services may be used to provide supported retirement activities for people over the age of 65, for which documentation as listed above is NOT required.

Q: Will Alternative Services (as described in ARSD 46:11:08:03) be captured within Day Services?

A: Although ARSD 46:11:08:03 was repealed and the term “Alternative Services” is no longer applicable, documentation of the ISP Team discussion of appropriateness of services remains a requirement. Previously, team discussion related to Alternative Services was documented within the ISP Agenda Required Items list; however, edits are underway to remove Alternative Services from this section. After April 1, 2020 the requirement within 46:11:05:03 for ISP Team “consideration of employment outcomes” will be met solely through the Action Plan for Employment/ATE (*Alternative to Employment*) Services section of the Individual Support Plan. The “Reason for Planning” outlines a variety of options ranging from “I don’t want to work right now” to “I am making a plan to maintain or improve my current job”. Regardless of which option is selected, the ISP must have a corresponding Desired Outcome and measurable action steps.

Q: If a participant creates something at day services like jewelry or art and wants to sell it, is that considered a wage within day services?

A: Day Services hours may be used by the participant to create goods to be sold later but may not be used to pay the participant a wage for the hours spent making the goods.

Transportation:

Q: How is transportation going to be calculated? What is the methodology behind the calculation?

A: Transportation should be included in the number of hours per week that the participant receives the services. For instance, if the participant receives 20 hours a week of Career Exploration and as a part of



the provision of that service, 4 hours a week of transportation are provided, the total number of service hours would be reflected as 24 hours a week of Career Exploration.

Q: Who is responsible for purchasing tickets for public transit?

A: ISP teams should convene and determine how this will be addressed.

Document Development:

Q: Will there be forms for things like evidence of informed choice?

A: As of now, these topics can and should be addressed within the Discussion Record portion of the ISP. The ISP team should review the following to ensure the person is making an informed decision to not pursue employment based on:

- Past opportunities to develop personal preferences
- Information provided in a manner the person can understand
- Consideration of both positive and negative consequences of the decision